

Introduced by Senator Torlakson
(Principal coauthor: Assembly Member Strom-Martin)

February 21, 2001

An act to amend Section 12155 of the Public Contract Code, and to add Chapter 18.6 (commencing with Section 42930) to Part 3 of Division 30 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 373, as introduced, Torlakson. School districts: solid waste recycling.

(1) The State Assistance for Recycling (STAR) Markets Act of 1989 requires the Legislature and all state agencies to meet certain goals for the procurement or purchase of recycled products by specified dates. The act requires the purchase of specified products that are made with recycled materials.

This bill would define a state agency for purposes of the act as including a school district.

(2) Existing law requires each state agency to develop and adopt, in consultation with the California Integrated Waste Management Board, an integrated waste management plan. Each state agency and large state facility is required, under existing law, to divert at least 25% of the solid waste generated by the state agency or large state facility from landfill disposal or transformation facilities by January 1, 2002, and at least 50% by January 1, 2004, except as specified.

The bill would require the board to develop and approve, by February 1, 2002, a Model School Waste Reduction Plan. The bill would also require the board to adopt, by April 1, 2002, an annual report form regarding the solid waste disposed of by a school or school district, and would require, by July 1, 2002, and annually thereafter, that a

representative of each school district and by each school complete and submit the form to the board.

The bill would require each school district and school, on and after January 1, 2002, to cooperate with local agencies in the contracting of solid waste management services in order to maximize the diversion of solid waste from disposal. Each school district would be required, by January 1, 2004, to submit to the board a school waste reduction plan (SWRP) for each type of schoolsite within the district and the board would be required, within 120 days after a school district submits the SWRP to the board, to either approve the plan or provide the school district with the specific modifications necessary for approval. The board would be authorized to approve an SWRP only if the board determines that the SWRP, if properly implemented, is likely to result in a 50% or greater reduction in per pupil solid waste generation. The bill would require each school district, by July 1, 2004, to adopt a resolution committing the district to implement the SWRP and would require each school district, by July 1, 2006, to commence the full implementation of the SWRP. The bill would require a school district, when designing and constructing new public school facilities, to allocate adequate space for the safe collection, storage and loading of recyclable materials and to incorporate the use of recycled materials in the construction of new public school facilities.

The bill would require the board, the Division of Recycling of the Department of Conservation, and the State Department of Education to jointly establish a program to provide grants to schools and school districts to assist in the development and implementation of model schoolsite waste reduction programs and would specify eligibility requirements for receiving a grant.

The bill would require the board, by July 1, 2002, to determine the baseline statewide average amount of per pupil solid waste generation for each type of public schoolsite in this state and to review and adjust this baseline amount as it deems necessary. The board would be authorized to conduct an audit of a schoolsite to determine the extent to which a school or school district has implemented an approved SWRP.

The board would be required to establish and implement a waste reduction award program for school districts and schools and to publish, on the board's website, an annual report on the state of school recycling in the state.



The bill would declare the intent of the Legislature to fund the school waste reduction program established by the bill by an appropriation in the annual Budget Act, or other measure, of \$2,000,000 from the California Beverage Container Recycling Fund, for provisions of the program related to beverage container litter, and \$2,000,000 from the Integrated Waste Management Fund.

The bill would impose a state-mandated local program by establishing new requirements upon school districts.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares all the
2 following:

3 (1) California schools generate nearly one million tons of solid
4 waste annually.

5 (2) The 1999 Statewide Waste Composition Study revealed
6 that educational facilities annually dispose of more than 155,000
7 tons of recyclable paper, 10,000 tons of recyclable glass, 30,000
8 tons of recyclable metal, and 330,000 tons of compostable leaves,
9 grass, and prunings.

10 (3) The collection and disposal of solid waste from California
11 schools costs taxpayers between seventy-five million dollars
12 (\$75,000,000) to one hundred twenty-five million dollars
13 (\$125,000,000) annually.

14 (4) The diversion of just half of the recyclable and compostable
15 materials currently disposed would save California schools

1 between twenty-six million dollars (\$26,000,000) to thirty-four
2 million dollars (\$34,000,000) annually in avoided disposal costs.

3 (5) Under current law, which went into effect in 1978, each
4 school district in this state is encouraged to establish and maintain
5 a paper recycling program in all classrooms, administrative
6 offices, and other areas where wastepaper is generated, but after
7 more than 20 years, just 40 percent of school districts have paper
8 recycling programs.

9 (6) The California Integrated Waste Management Act of 1989
10 directs every city and county in this state to develop plans and
11 implement programs for reducing, recycling, and composting 50
12 percent of solid waste on and after 2000, but school districts are not
13 required to cooperate with local agencies in meeting this
14 requirement.

15 (7) The California Integrated Waste Management Board, in
16 cooperation with the State Department of Education, is required
17 to develop and implement an integrated waste management
18 educational program to teach the concepts of source reduction,
19 recycling and composting in California schools. However, the
20 State Department of Education has had insufficient resources to
21 implement these educational programs.

22 (8) The California Integrated Waste Management Board is
23 required to develop and implement a source reduction and
24 recycling program for school districts, but less than 20 percent of
25 school districts have implemented waste prevention plans.

26 (9) All state agencies, including state universities and
27 community colleges, are required to develop and adopt an
28 integrated waste management plan, and to reduce, recycle, and
29 compost 25 percent of waste generated by the agency by 2002, and
30 50 percent by 2004. This program does not include public
31 elementary and secondary schools.

32 (10) The most recent survey of school districts conducted by
33 the California Integrated Waste Management Board reveals that
34 nearly half of all school districts have no recycling program at all,
35 just 40 percent of school districts have a paper recycling program,
36 less than 20 percent have a waste prevention plan, and less than 10
37 percent indicate they have a purchasing policy for recycled content
38 products.

39 (11) The survey further revealed that school districts that did
40 implement recycling programs experienced waste reduction levels

1 ranging from 40 percent to 90 percent, along with disposal cost
2 savings for some ranging from eighty thousand dollars (\$80,000)
3 to three hundred fifty thousand dollars (\$350,000).

4 (12) Pupils learn from example and practices and by preventing
5 waste and litter, reusing and recycling materials, and purchasing
6 recycled products, pupils will establish habits and practices to
7 conserve resources and protect the environment.

8 (b) It is the intent of the Legislature, by enacting the act adding
9 this section, to accomplish all of the following:

10 (1) Every school district and schoolsite in this state will
11 implement source reduction, recycling, and composting programs
12 that will to do all of the following:

13 (A) Reduce waste and conserve resources.

14 (B) Provide pupils with a “hands-on” learning experience.

15 (C) Minimize the expenditure of taxpayer and education
16 dollars on solid waste collection and disposal.

17 (2) School districts and individual schoolsites will cooperate
18 with cities and counties in developing plans and programs to meet
19 and exceed the state’s 50 percent waste reduction and recycling
20 mandate.

21 (3) To the maximum extent feasible, school districts and
22 schools will utilize products and supplies made from recycled
23 materials.

24 (4) The State Department of Education, the California
25 Environmental Protection Agency, and the Resources Agency,
26 will coordinate efforts in the development, dissemination, and
27 promotion of the use of environmental education programs for
28 students.

29 SEC. 2. Section 12155 of the Public Contract Code is
30 amended to read:

31 12155. As used in this chapter, the following definitions shall
32 apply:

33 (a) “Board” means the California Integrated Waste
34 Management Board, as defined by Section 40110 of the Public
35 Resources Code.

36 (b) “Department” means the Department of General Services.

37 ~~(b)~~

38 (c) “Director” means the Director of General Services.

39 ~~(e)~~

(d) “Procuring agency” means the Department of General Services and any other state department or agency having delegated procurement authority granted pursuant to Section 10333 with an annual total dollar limit above one million dollars (\$1,000,000) as prescribed by the Office of Procurement within the Department of General Services.

~~(d) “Board” means the California Integrated Waste Management Board, as defined pursuant to Section 40110 of the Public Resources Code.~~

(e) “State agency” includes a school district, as defined by Section 80 of the Education Code.

SEC. 3. Chapter 18.6 (commencing with Section 42930) is added to Part 3 of Division 30 of the Public Resources Code, to read:

CHAPTER 18.6. SCHOOL WASTE REDUCTION PLANS

Article 1. Definitions

42930. For purposes of this chapter, the following definitions shall apply:

(a) “School” means a public elementary or secondary school.

(b) “Model SWRP” means the model school waste reduction plan developed and approved by the board pursuant to Section 42931.

(c) “SWRP” means the school waste reduction plan required to be submitted pursuant to Section 42933.

(d) “School district” has the same meaning as defined in Section 80 of the Education Code.

Article 2. Model School Waste Reduction Plan

42931. (a) On or before February 1, 2002, after researching and determining the best practices for school district and schoolsite-based waste reduction, and holding workshops and public hearings, the board shall develop and approve a Model School Waste Reduction Plan that may be adopted by any school district in this state.

(b) The Model SWRP shall include all of the following:

1 (1) Waste prevention, recycling, composting, “buy-recycled”
2 and educational elements that, when properly implemented, will
3 create hands-on learning experiences for pupils and will likely
4 result in a 50 percent or greater reduction in per pupil solid waste
5 generation, compared to the statewide baseline averages
6 determined by the board pursuant to Section 42938.

7 (2) Minimum standards relating to adequate and safe areas for
8 collecting, storing, and loading recyclable materials at schoolsites.

9 (3) A full cost accounting that projects the potential impact of
10 implementing the Model SWRP on per pupil integrated waste
11 management costs as determined by the board.

12 (b) In developing the operational elements of the Model
13 SWRP, the board shall consult with persons with expertise in
14 recycling programs, including representatives of school districts
15 that have successfully implemented schoolsite source reduction
16 and recycling programs pursuant to Section 42621, recycling
17 program coordinators for local agencies, nonprofit organizations,
18 or private businesses, and the Division of Recycling in the
19 Department of Conservation.

20 (c) In developing the grade appropriate educational elements of
21 the Model SWRP, the board shall consult with teachers, the State
22 Department of Education, and the Division of Recycling in the
23 Department of Conservation.

24 (d) The board shall make the Model SWRP available and
25 downloadable to schools and school districts from the board’s
26 website.

27
28 Article 4. Annual Report
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30 42932. (a) On or before April 1, 2002, the board shall make
31 available, on its website, an annual report form requesting the
32 information specified in subdivision (b). On or before July 1,
33 2002, and annually thereafter, a representative of each school
34 district and each school shall complete and submit the annual
35 report form to the board in the manner determined by the board.

36 (b) Information requested on the form shall include, but not be
37 limited to, all of the following:

38 (1) The estimated number of pupils, teachers, and other
39 individuals using school district or schoolsite facilities.

(2) The estimated amount of solid waste disposed of by the school district or schoolsite annually.

(3) The scope and status of waste reduction programs implemented by the school district or the school, including, but not limited to, source reduction programs, recycling and composting programs, recycling education, and “buy-recycled” programs.

(4) The school district’s or schoolsite’s estimated annual cost of solid waste management services.

(5) The school district’s or schoolsite’s estimated annual revenue from the sale of recyclable materials.

(c) The board shall provide each school and school district that completes the most current annual report pursuant to this section with technical assistance in the development and implementation of a schoolsite waste reduction program.

Article 5. Waste Reduction Plan Approval and Implementation

42933. (a) On and after January 1, 2002, each school district and school shall cooperate with local agencies in the contracting of solid waste management services in order to maximize the diversion of solid waste from disposal.

(b)(1) On or before January 1, 2004, each school district in this state shall submit to the board a school waste reduction plan for each type of schoolsite within the district, that, when properly implemented, will provide pupils with a hands-on learning experience and likely result in a 50 percent or greater reduction in per pupil solid waste generation, as determined by the board pursuant to Section 42938.

(2) The SWRP for each schoolsite type shall include, but not be limited to, the same elements as included in the Model SWRP for that schoolsite type.

(3) Within 120 days after a school district submits a SWRP to the board, the board shall either approve the plan or provide the school district with the specific modifications necessary for approval.

(4) The board may approve an SWRP only if the board determines that the SWRP, if properly implemented, is likely to result in a 50 percent or greater reduction in per pupil solid waste

1 generation compared to the statewide baseline averages
2 determined by the board pursuant to Section 42938.

3 42934. (a) On or before July 1, 2004, each school district in
4 this state shall adopt a resolution committing the district to
5 implement the SWRP approved by the board.

6 (b) On or before July 1, 2006, each school district shall
7 commence the full implementation of, and on and after July 1,
8 2006, each school district shall continue to implement, an
9 approved SWRP for each schoolsite type.

10 42936. (a) A school district shall, when designing and
11 constructing new public school facilities, allocate adequate space
12 for the safe collection, storage and loading of recyclable materials
13 consistent with the minimum standards developed pursuant to
14 subdivision (b) of Section 42931.

15 (b) To the maximum extent feasible, a school district shall
16 incorporate the use of recycled materials in the construction of new
17 public school facilities.

18
19 Article 6. Grants
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21 42937. (a) The board, the Division of Recycling of the
22 Department of Conservation, and the State Department of
23 Education shall jointly establish a program to provide grants to
24 schools and school districts to assist in the development and
25 implementation of model schoolsite waste reduction programs,
26 including programs to develop new educational programs and to
27 promote the use of existing educational programs to teach the
28 concepts of source reduction, recycling, and composting.

29 (b) The grant program shall be administered by the board,
30 which shall adopt a competitive application process for the
31 purposes of awarding these grants.

32 (c) A school district that does not implement a schoolsite
33 source reduction and recycling program pursuant to subdivision
34 (b) of Section 42934 is ineligible to receive a grant pursuant to this
35 section, unless the school district passes a resolution pursuant to
36 subdivision (a) of Section 42934.

37 (d) A school district or school that does not complete the
38 current annual report required pursuant to Section 42932 is
39 ineligible to receive a grant pursuant to this section.

(e) On and after July 1, 2004, a school district that does not pass a resolution pursuant to subdivision (a) of Section 42934, is ineligible to receive a grant pursuant to this section.

Article 7. School Recycling Measurement and Accountability

42938. (a) On or before July 1, 2002, the board shall determine the baseline statewide average amount of per pupil solid waste generation, including source reduction, recycling, composting and disposal for each type of public schoolsite in this state, including, but not limited to, elementary schools, middle schools, and high schools.

(b) The board may review and adjust this baseline amount as it deems necessary.

42939. (a) On and after January 1, 2006, the board may conduct an audit of a schoolsite to determine all of the following:

(1) The extent to which a school and or school district has implemented an approved SWRP.

(2) The percentage reduction of per pupil solid waste being disposed compared to the statewide average for that school type as determined pursuant to Section 42938.

(3) The estimated net cost impact of meeting the waste reduction goals of subdivision (b) of Section 42933.

(b) The board shall establish and implement a waste reduction award program for school districts and schools that develop, adopt, and implement innovative and effective SWRP's.

(c) The board shall publish, on the board's website, an annual report on the state of school recycling in the state. The report shall include a data base of each school district and public school in this state, the amount of solid waste disposed, and the waste reduction rate compared to the statewide baseline averages determined by the board pursuant to Section 42938.

SEC. 4. The Legislature declares its intent to fund the school waste reduction program established by Section 3 of the act adding this section by an appropriation in the annual Budget Act, or other measure, of two million dollars (\$2,000,000) from the California Beverage Container Recycling Fund, for provisions of the program related to beverage container litter, and two million dollars (\$2,000,000) from the Integrated Waste Management Fund.

1 SEC. 5. Notwithstanding Section 17610 of the Government
2 Code, if the Commission on State Mandates determines that this
3 act contains costs mandated by the state, reimbursement to local
4 agencies and school districts for those costs shall be made pursuant
5 to Part 7 (commencing with Section 17500) of Division 4 of Title
6 2 of the Government Code. If the statewide cost of the claim for
7 reimbursement does not exceed one million dollars (\$1,000,000),
8 reimbursement shall be made from the State Mandates Claims
9 Fund.

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